

1 THE WITNESS: In casual
2 conversation with another amateur radio
3 operator.

4 JUDGE SIPPEL: Now is that -- well,
5 let me back up. Let me shift to another
6 question I had anyway.

7 You have this ARES Amateur Radio
8 Emergency Service which is -- I mean that's a
9 very significant facet of what you do. You
10 take it very seriously.

11 THE WITNESS: Yes, Your Honor.

12 JUDGE SIPPEL: What do you do?
13 What constitutes an emergency?

14 THE WITNESS: Well that's
15 determined by the sponsoring agency. In our
16 case with our Kirkland ARES team it is the
17 city government that activates our team,
18 should they need additional communications or
19 should they have a break down in their
20 traditional communications.

21 JUDGE SIPPEL: And that would be
22 it?

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1 THE WITNESS: Yes, that's all
2 that's required is that they would -- we have
3 a telephone tree where they would call the
4 leadership and the leadership would get on the
5 phone and activate the operators.

6 JUDGE SIPPEL: Well, suppose
7 there's a -- trying to get the word now. But
8 there's a flood, a sudden flood in a certain
9 region in a suburb of Seattle and there's a
10 HAM radio operator out there. What is that
11 HAM --and he's a member of that ARES. Is he
12 supposed to do anything?

13 THE WITNESS: Well, if his team is
14 activated, then he would have a specific role
15 as defined by his team leadership.

16 Otherwise, he would be operating
17 just as an individual HAM not affiliated with
18 any association or organization.

19 JUDGE SIPPEL: All right, pardon
20 me?

21 THE WITNESS: That often happens.
22 Is the case you know you come across a traffic

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1 accident or some other minor emergency. You
2 use your amateur radio to summon aide.
3 There's no affiliation or association that
4 comes into play.

5 JUDGE SIPPEL: Well, I mean a
6 traffic accident, that can be a very serious
7 matter.

8 THE WITNESS: Absolutely.

9 JUDGE SIPPEL: All right, so I'm
10 beginning to get the flavor of this a little
11 bit better.

12 Let me ask you this, after 9/11 was
13 there any effort by any agency starting up
14 with Homeland Security or the FBI to enlist
15 amateur radio emergency service in monitoring
16 what might be suspected activities that would
17 be detrimental to Seattle?

18 THE WITNESS: Not to my knowledge.
19 There's been nothing done in that vein.
20 Typically ARES involvement is on a local
21 level, at least here in the Seattle region.

22 We have a number of disassociated

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1 ARES teams affiliated with their own local
2 municipality.

3 JUDGE SIPPEL: Well is there any
4 particular -- do you think there's --

5 THE WITNESS: No national effort
6 following 9/11.

7 JUDGE SIPPEL: Was there any
8 discussion about that. I mean, would it make
9 any sense?

10 THE WITNESS: I'm not sure that it
11 would, Your Honor --

12 JUDGE SIPPEL: Why not?

13 THE WITNESS: -- nothing.

14 JUDGE SIPPEL: Well why, I mean if
15 they called you up and said, "Look, we're
16 worried about people who are going to do bad
17 things. Would you mind participating in this
18 monitoring program with us."

19 THE WITNESS: I would definitely
20 participate.

21 JUDGE SIPPEL: You would, okay, but
22 nobody has done that. Nobody has asked you to

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1 do that?

2 THE WITNESS: At least not yet,
3 that's correct.

4 JUDGE SIPPEL: All right.

5 THE WITNESS: I know that in some
6 cases in border areas such as Texas,
7 California, and also across the Canadian
8 border, there has been occasion that they have
9 activated amateurs in assistance with ICE and
10 other agencies to help with communications.

11 They don't get involved in the
12 actual law enforcement, they only communicate.

13 JUDGE SIPPEL: No, I understand.
14 I'm not saying that you're going to be
15 deputized. No, I'm saying just what you said.

16 Now, if -- this is a very, very
17 hypothetical. But if a person were a
18 terrorist and he wanted to organize a
19 terrorist activity, would it be in all
20 likelihood that he would use a HAM frequency
21 to organize his crew?

22 THE WITNESS: I would doubt it. He

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1 would probably just pick -- I mean there's a
2 lot of spectrum for commercial and other
3 services that are far more obscure and have
4 fewer people monitoring them.

5 I would suspect they would just
6 pirate a commercial channel and just do it
7 there.

8 JUDGE SIPPEL: Well I would think
9 he would be a pretty stupid terrorist if he
10 did that.

11 THE WITNESS: I would think so too,
12 Your Honor.

13 JUDGE SIPPEL: Okay, that's all I
14 have. Anybody have anything more?

15 MS. LANCASTER: I do have one
16 question. I could point out something in this
17 Exhibit 7, Your Honor, if you give me the
18 opportunity.

19 JUDGE SIPPEL: Go right ahead. Ms.
20 Lancaster is going to have the last question
21 Mr. Schurman.

22 REDIRECT EXAMINATION

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1 BY MS. LANCASTER:

2 Q Mr. Schurman, look at Exhibit 7
3 which is your alert to the members.

4 A Right.

5 Q In the next to the last sentence of
6 the last paragraph, it states. "He is able to
7 hold an amateur license because his felony
8 convictions were as a minor."

9 Have you since learned that that is
10 an inaccurate statement?

11 A Yes, I have. That was my reading
12 of the Seattle blog. But I have since learned
13 that the most recent conviction was as an
14 adult and also that the FCC rules regarding a
15 felony are only if the radio is used in
16 commission of the crime.

17 MR. LYON: Do you want to do it or
18 do you want me to do it?

19 MS. LANCASTER: No, that will do.
20 Thank you.

21 JUDGE SIPPEL: I guess there's
22 nothing more Mr. Schurman from this end.

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1 MR. LYON: Thank you sir.

2 JUDGE SIPPEL: And thank you very
3 much for your participation. Is there going
4 to be any further need for this witness?

5 MR. LYON: Absolutely not.

6 JUDGE SIPPEL: You're excused as a
7 witness, sir. Thank you for getting up early
8 and participating this way. I appreciate
9 that, sir.

10 Okay, we'll go off the record.

11 (Whereupon, off the record from
12 11:11 a.m. until 11:23 a.m.)

13 JUDGE SIPPEL: We are on the
14 record. It's 25 after 11:00 by our clock.
15 And will you identify yourself please?

16 THE WITNESS: I'm David Lee Titus.

17 JUDGE SIPPEL: Okay, and you are
18 the license holder in this proceeding. Is
19 that correct?

20 THE WITNESS: Yes, that is correct.

21 JUDGE SIPPEL: I will -- I'm going
22 to administer the oath. You don't have to

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1 stand up but raise your right hand.

2 WHEREUPON,

3 DAVID LEE TITUS

4 was called for examination having been first
5 duly sworn, assumed the witness stand, was
6 examined and testified as follows:

7 JUDGE SIPPEL: All right, whose
8 witness?

9 MS. LANCASTER: It's my witness,
10 Your Honor.

11 JUDGE SIPPEL: Ms. Lancaster is
12 going to ask you questions.

13 DIRECT EXAMINATION

14 BY MS. LANCASTER:

15 Q Mr. Titus, you're full name is
16 David Lee Titus, is that correct?

17 A Yes.

18 Q And you currently reside at 1529
19 Boylston Avenue, apartment 203, in Seattle.
20 Is that correct?

21 A Yes.

22 Q You've lived there 12 years?

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1 A Approximately.

2 Q Okay, you're currently employed at
3 Longtop International. Is that true?

4 A No.

5 Q Okay, where are you currently
6 employed?

7 A I'm not.

8 Q Since when?

9 A Since March 21st, I believe was the
10 date.

11 Q And did you quit your employment?

12 A No, my contract ended.

13 Q You had worked for them -- for
14 Longtop approximately one and a half years.
15 Is that correct?

16 A Yes.

17 Q And during that time would that
18 fall under a single contract?

19 A Yes.

20 Q And your contract expired on March
21 21st?

22 A Yes.

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1 Q Is there a reason they did not
2 renew your contract?

3 A It all has to do with product ship
4 cycles.

5 Q So it's strictly a business reason
6 as far as you can tell?

7 A Yes.

8 Q Had nothing to do with you
9 personally, your background or anything?

10 A No.

11 Q No, okay. You're the licensee of
12 station KB7ILD, is that correct?

13 A Yes.

14 Q And you hold a general class
15 license?

16 A Yes.

17 Q When did you get your license?

18 A I believe it was August of 1989.

19 Q Would you take a look at EB Exhibit
20 1.

21 A I've got that.

22 Q Okay, and when was your license --

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1 this is a copy of your license information.

2 Do you agree with that?

3 A Yes.

4 Q Is it accurate, to the best of your
5 knowledge?

6 A To the best of my knowledge, it is.

7 Q Okay, so when was your license
8 issued. This is your current license?

9 A That's correct.

10 Q So your license is on a ten year
11 renewal cycle?

12 A Yes.

13 Q So your original license would have
14 been issued in 1989, is that correct?

15 A I believe that is the correct year.

16 Q Okay, so all right. How old were
17 you when you first got a license?

18 A It arrived in the mail one day
19 before my 15th birthday.

20 Q And when you got your license did
21 you attend classes of any sort to learn what
22 you needed to know to get a license?

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1 A Yes.

2 Q Do you recall where and when that
3 occurred?

4 A That occurred -- the class was held
5 in Richland, Washington. And it would have
6 been within a year of -- preceeding my getting
7 my license.

8 Q Okay, was it a class for kids?

9 A I don't recall that specifically.

10 Q Were there other minors in the
11 class with you?

12 A I remember one.

13 Q Okay, is it common, Mr. Titus,
14 based on your experience so far that amateur
15 radio licensees mentor new licensees, more
16 experienced ones mentor the newer ones?

17 A I believe that to be correct, yes.

18 Q Okay, did anyone mentor you?

19 A Several people.

20 Q Who?

21 A Various people from my old HAM club
22 back in the tri-cities. That's 16 years ago.

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1 Q Do you remember their names?

2 A Not specifically right now, no.

3 Q How about Ken Forsberg. Do you
4 recall him?

5 A Yes I do.

6 Q And was he one of your mentors?

7 A Yes, he was.

8 Q Okay, he was the owner of the Radio
9 Depot shop. Is that correct?

10 A No.

11 Q No, did he have any connection with
12 that Radio Depot shop?

13 A Absolutely not.

14 Q Okay, was there someone that was
15 connected with the Radio Depot that also
16 mentored you?

17 A No, I don't believe so.

18 Q Okay, how did you meet Mr.
19 Forsberg?

20 A I met Mr. Forsberg around the
21 beginning of me getting my HAM radio license.
22 It may have been before I got my HAM radio

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1 license on CD. I don't remember clearly for
2 sure.

3 Q How did you meet him?

4 A I don't remember.

5 MR. LYON: Objection, asked and
6 answered.

7 JUDGE SIPPEL: That's okay, I'm
8 going to overrule any way. It's introduction
9 type questions. Go ahead.

10 BY MS. LANCASTER:

11 Q And what did Mr. Forsberg teach you
12 about amateur radio?

13 A I don't recall for sure. That was
14 a long time ago.

15 Q Okay, okay, did you have any
16 connection to the Radio Depot?

17 A Absolutely not.

18 Q Did you not work there or volunteer
19 there for a time when you were younger?

20 A I worked at Radio Depot
21 approximately six or seven years ago.

22 MS. LANCASTER: One moment, Your

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1 Honor.

2 JUDGE SIPPEL: Is this just
3 background or are you trying to --

4 MS. LANCASTER: Yes, I'm trying to
5 get some --

6 JUDGE SIPPEL: Well then don't
7 spend a lot of time please.

8 MS. LANCASTER: Okay.

9 BY MS. LANCASTER:

10 Q I'm going to get a little family
11 background information. It's my understanding
12 that your birthday is 8/15/74. Is that
13 correct?

14 A Yes.

15 Q And you were born in Kennewick,
16 Washington?

17 A Yes.

18 Q Your parents were Anna -- it's now
19 Anna Harris. Is that correct?

20 A Yes.

21 Q And your father was Gene Titus?

22 A He was my natural father, yes.

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1 Q Right --

2 JUDGE SIPPEL: This is all at Titus
3 Exhibit 1. Is that correct?

4 MS. LANCASTER: A lot of it is,
5 Your Honor, yes.

6 JUDGE SIPPEL: All right, I'm just
7 getting a reference here. Go ahead.

8 BY MS. LANCASTER:

9 Q Your parents were separated at some
10 point. Is that true?

11 A Yes.

12 Q They had a very tumultuous
13 relationship. Is that true?

14 A They had a bad relationship.

15 Q I beg your pardon.

16 A The relationship was bad.

17 Q A very bad one. Your father was
18 abusive?

19 A Yes.

20 Q He was abusive to you?

21 A Yes.

22 Q He beat you?

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1 A Yes. He had.

2 Q Okay, and your parents divorced in
3 1979. Is that correct?

4 A I don't know the exact year, but
5 that sounds about right.

6 Q But they lived together after they
7 were divorced. Do you recall that?

8 A I don't recall for sure.

9 Q Okay, when did your mother remarry?

10 A I believe it was August of 1986.

11 Q How old were you at that time?

12 A I was 12.

13 Q Okay, and your step father is Bob
14 Harris. Is that correct?

15 A Yes.

16 Q He's a canine policeman for the
17 Pasco Police Department or the sheriff's
18 office. Which? One or the other?

19 A Pasco Police Department is city.

20 Q Okay, okay, and he was that when
21 they married?

22 A No.

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1 Q What was he when they married?

2 A He was a -- I believe during the
3 time they got married he was a professional
4 driver for the vending company, I believe.

5 Q Okay, when did he become a police
6 officer?

7 (No response.)

8 Q You can just estimate by how old
9 you were if you don't know the year.

10 A I'm trying to estimate by counting
11 the bars on his sleeve. Let me think about
12 that for a second. It's easier. I believe
13 about 16 years.

14 Q He's been a policemen about 16
15 years you think?

16 A About give or take a few years.

17 Q Okay, okay, and what's your
18 relationship with him?

19 A I don't understand the question.

20 Q Do you have a good relationship
21 with him?

22 A Yes, I do.

1 Q And you have one brother. Is that
2 correct?

3 A I have one full blood brother.
4 That's correct.

5 Q Okay, and how much younger -- he's
6 younger than you right?

7 A Yes.

8 Q How much younger?

9 A I believe about three years.

10 Q Okay, so he was born approximately
11 1977?

12 A March 1, '77, I believe.

13 Q Okay, where did you attend
14 elementary school?

15 A Kennewick, Washington.

16 Q Okay, and was there anything
17 unusual that occurred to you while you were in
18 elementary school?

19 A Can you define unusual?

20 Q Unusual to you, using your
21 judgement?

22 A I could probably come up with a

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1 pretty good list.

2 Q Okay. It's my understanding that
3 you were sexually active when you were in
4 elementary school. Is that correct?

5 A Yes.

6 Q And that you had -- you have
7 estimated previously that you had at least 50
8 partners, sexual partners by the time you were
9 12. Is that true?

10 A Yes.

11 Q Were all of those male?

12 A No.

13 Q How many were female?

14 A Three that I recall.

15 Q Were the remainder male?

16 A Yes.

17 Q Okay, were all of these sexual
18 dalliances consensual?

19 A You'll have to define consensual,
20 please.

21 Q Why don't you define consensual for
22 me. What's it mean to you?

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1 A Consensual, to me, means that there
2 was no force. I believe consensual to the law
3 here means that people past a certain age gap
4 do not have the right to consent, regardless
5 of the age.

6 Q Okay, were all of your partners
7 willing sexual partners with you?

8 A As far as I recall.

9 Q Okay.

10 A But that was a very long time ago.

11 Q So you don't recall anyone not
12 being willing?

13 A Not off the top of my head right
14 now, I do not.

15 Q Okay, what age were these partners?

16 A Well I believe when I was 4 years
17 old, I had a partner that was my same age. So
18 we were both 4. So the range goes from 4 to
19 13, 14. Depends on when it was in my life.

20 Q So, is it your testimony by
21 implication that when you were 6 you had sex
22 only with other 6 year olds. And that when

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1 you were 7 you had sex with 7 year olds. Can
2 you clarify that for me?

3 A No I cannot. It's a long time ago.

4 Q Okay, what was the -- normally for
5 you what was the age difference between you
6 and your sexual partners in elementary school?

7 A I would estimate within a year or
8 two normally.

9 Q Okay.

10 A There may have been exceptions to
11 that.

12 Q Well there is -- we know of one
13 exception don't we. Weren't you charged with
14 indecent liberties in August of 1985 when you
15 were 10 years old?

16 A I was, I believe, charged with a
17 crime in 1985. I don't recall what the crime
18 was -- what the charge was. If it was
19 indecent liberties. That may have been, and
20 I believe the other kid was 6 in that one.

21 Q Oh, he was 6 years old?

22 A I believe so.

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1 Q Okay, and my understanding, and you
2 can correct me if I'm mistaken, is that you
3 groped his penis and you raped him anally. Is
4 that correct?

5 A I believe that to be correct.

6 Q Okay, and it's my understanding
7 that in order to get access to him you
8 promised him candy. Do you recall that?

9 A Absolutely I do not recall that.
10 I'm not saying that did not happen. That was
11 a long time ago.

12 Q Okay, did you threaten to beat him
13 up on several occasions if he didn't cooperate
14 with you?

15 A Not that I recall.

16 Q And did this occur more than one
17 occasion?

18 MR. LYON: Objection, form of the
19 question.

20 JUDGE SIPPEL: Sustained.

21 BY MS. LANCASTER:

22 Q Okay, did you have sex with this

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1 same boy more than one time?

2 A Ma'am, like I said, that was a long
3 time ago. I do not recall most of the events
4 during that time. I do not know if it was
5 more than one time. I'm sorry.

6 Q Do you recall going to court about
7 this charge?

8 A No I do not specifically recall
9 that.

10 Q So you don't know what happened to
11 the charge?

12 A I believe by reading the records I
13 may know approximately what happened.

14 Q What do you think happened?

15 A I believe, from what I read in
16 reports, that the charge was dismissed with
17 understanding that I would go to counseling.

18 Q Okay, as far as you know is that
19 correct?

20 A As far as I know that's correct.

21 Q Okay, and do you recall going to
22 counseling?

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